

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

JOHN JAMES WILLIAMS,

Plaintiff,

v.

PATTY STEM, et. al.,

Defendants.

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Case No. CIV-20-1262-J

ORDER

Plaintiff filed a Complaint under 42 U.S.C. § 1983 [Doc. No. 1] and the matter was referred for initial proceedings to United States Magistrate Judge Suzanne Mitchell consistent with 28 U.S.C. § 626(b)(1)(B), (C). On preliminary review, Judge Mitchell granted Plaintiff leave to proceed in forma pauperis but instructed him to make a \$48.02 initial filing fee payment on or before January 12, 2021. [Doc. No. 5]. When Plaintiff did not comply, Judge Mitchell recommended that the Court dismiss the Complaint without prejudice. [Doc. No. 7]. In response, Plaintiff sent the Court a letter claiming that he “told” prison officials to send the money and they did not do so and urging the Court to get the payment directly from prison officials. [Doc. No. 8]. The Court informed Plaintiff that it did not coordinate filing fee payments but ordered him to provide prison officials with the order granting leave to proceed in forma pauperis and extended his deadline for payment until February 16, 2021.¹ [Doc. No. 9]. The Court further cautioned Plaintiff that if “payment is not received, the Court anticipates adopting Judge Mitchell’s Report and Recommendation and dismissing the action without prejudice.” *Id.*

¹ Because the federal courthouse was closed for inclement weather on February 16, 2021, Plaintiff’s payment became due on February 17, 2021. *See* Fed. R. Civ. P. 6(a)(3).

To date, the Court has not received the partial filing fee payment and Plaintiff has not filed a motion for extension of time or any other document. Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 5] and DISMISSES the action without prejudice.

A separate judgment shall be entered.

IT IS SO ORDERED this 22nd day of February, 2021.



BERNARD M. JONES
UNITED STATES DISTRICT JUDGE